

SENATE BILL 681

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A2

2004 Regular Session
4r2466

By: **Senator Colburn**

Introduced and read first time: February 6, 2004

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Wicomico County - Alcoholic Beverages - Licenses and Open Containers**

3 FOR the purpose of authorizing the Board of License Commissioners to issue a
4 caterer's license to a holder of a Class B restaurant or hotel (on-sale) beer and
5 wine license; authorizing the Board to issue a special festival license for
6 participation in a beer festival on a nonlicensed premises in the county;
7 specifying the qualifications, scope, fee, and time restriction for a special festival
8 license; requiring that the products to be displayed and sold by a special festival
9 license holder be of a certain type; authorizing the Board to adopt certain
10 regulations and to designate the number of times that a special festival license
11 may be issued; providing that a special festival license holder is not prohibited
12 from holding another alcoholic beverages license; specifying that certain licenses
13 issued in the county are not subject to certain writs or a distraint for rent;
14 prohibiting a person from possessing an alcoholic beverage in an open container
15 while in certain areas in Wicomico County unless authorized; making stylistic
16 changes; and generally relating to alcoholic beverages in Wicomico County.

17 BY repealing and reenacting, with amendments,
18 Article 2B - Alcoholic Beverages
19 Section 6-709, 10-501(a), and 19-301 through 19-303
20 Annotated Code of Maryland
21 (2001 Replacement Volume and 2003 Supplement)

22 BY adding to
23 Article 2B - Alcoholic Beverages
24 Section 8-804 and 10-501(f)
25 Annotated Code of Maryland
26 (2001 Replacement Volume and 2003 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
28 MARYLAND, That the Laws of Maryland read as follows:

1 **Article 2B - Alcoholic Beverages**

2 6-709.

3 (a) (1) This section applies only in Wicomico County.

4 (2) In this section, "Board" means the Board of License Commissioners.

5 (b) The annual license fee is \$550.

6 (c) (1) The Board may issue a caterer's license.

7 (2) If a caterer's license is issued, it shall only be issued to a holder of a
8 Class B restaurant or hotel (on-sale) beer, wine and liquor license OR A CLASS B
9 RESTAURANT OR HOTEL (ON-SALE) BEER AND WINE LICENSE.10 (d) A caterer's license issued under this section authorizes the holder to
11 provide alcoholic beverages at events that are held off the Class B restaurant or hotel
12 (on-sale) beer, wine and liquor license premises.13 (e) The holder shall provide food as well as alcoholic beverages for
14 consumption at the catered event.15 (f) A holder may exercise the privileges under this license only during the
16 hours and days that are permitted in this article for a Class B restaurant or hotel
17 (on-sale) beer, wine and liquor license.18 (g) This section does not require a holder of an existing Class B restaurant or
19 hotel (on-sale) beer, wine and liquor license to have a caterer's license for catering on
20 the premises that is covered by the Class B license.

21 8-804.

22 (A) IN THIS SECTION, "BOARD" MEANS THE BOARD OF LICENSE
23 COMMISSIONERS OF WICOMICO COUNTY.

24 (B) THIS SECTION APPLIES ONLY IN WICOMICO COUNTY.

25 (C) THE BOARD MAY ISSUE A SPECIAL FESTIVAL LICENSE FOR
26 PARTICIPATION IN A BEER FESTIVAL ON A NONLICENSED PREMISES IN THE COUNTY.27 (D) NOTWITHSTANDING ANY OTHER PROVISION IN THIS ARTICLE, AN
28 APPLICANT FOR A SPECIAL FESTIVAL LICENSE QUALIFIES FOR THE LICENSE BY
29 BEING THE HOLDER OF A CLASS 5 BREWERY LICENSE, CLASS 6 PUB-BREWERY
30 LICENSE, OR A CLASS 7 MICRO-BREWERY LICENSE.31 (E) A SPECIAL FESTIVAL LICENSE ENTITLES THE HOLDER TO DISPLAY AND
32 SELL AT RETAIL BEER FOR CONSUMPTION ON THE PREMISES ON THE DAYS AND FOR
33 THE HOURS DESIGNATED FOR THE BEER FESTIVAL.

34 (F) THE DAILY LICENSE FEE IS \$50.

1 (G) THE PRODUCTS TO BE DISPLAYED AND SOLD BY THE HOLDER OF THE
2 LICENSE SHALL BE THOSE THAT THE HOLDER OWNS, PRODUCES, AND PROVIDES.

3 (H) THE BOARD MAY DESIGNATE THE NUMBER OF TIMES THAT A FESTIVAL
4 LICENSE MAY BE ISSUED.

5 (I) A FESTIVAL LICENSE MAY BE IN EFFECT FOR A PERIOD NOT EXCEEDING 3
6 CONSECUTIVE DAYS.

7 (J) THIS SECTION DOES NOT PROHIBIT THE HOLDER OF THE LICENSE FROM
8 HOLDING ANOTHER ALCOHOLIC BEVERAGES LICENSE OF A DIFFERENT CLASS OR
9 NATURE.

10 (K) THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

11 10-501.

12 (a) [Licenses] EXCEPT AS OTHERWISE PROVIDED UNDER THIS SECTION,
13 LICENSES issued under provisions of this article shall not be regarded as property or
14 as conferring any property rights. All such licenses shall be subject to suspension,
15 restriction or revocation, and to all rules and regulations that may be adopted as
16 herein provided.

17 (F) IN WICOMICO COUNTY, LICENSES ISSUED UNDER THIS ARTICLE ARE NOT
18 SUBJECT TO WRITS OF EXECUTION BY A JUDGMENT CREDITOR OF A LICENSEE OR A
19 DISTRAINT FOR RENT.

20 19-301.

21 (a) (1) This definition applies only in the following jurisdictions:

22 (i) Caroline County;

23 (ii) Carroll County;

24 (iii) Dorchester County;

25 (iv) Harford County; [and]

26 (v) Montgomery County; AND

27 (VI) WICOMICO COUNTY.

28 (2) In this section "unless authorized" means the possession and
29 presentation of a written consent by the owner of the property.

30 (b) A person may not possess in an open container any alcoholic beverage, as
31 defined in this article, while:

32 (1) On the mall, adjacent parking area, or other outside area of any
33 combination of privately owned retail establishments, commonly known as a shopping

1 center, to which the general public is invited for business purposes, unless authorized
2 by the owner of the establishment;

3 (2) On an adjacent parking area or other outside area of any other retail
4 establishment, unless authorized by the owner of the establishment; or

5 (3) In any parked vehicle located on any of the places enumerated in this
6 section, unless authorized.

7 19-302.

8 Any person who violates the provisions of this [subheading] SUBTITLE is guilty
9 of a misdemeanor and upon conviction is subject to a fine not exceeding \$100.

10 19-303.

11 This [subheading] SUBTITLE applies only in the following counties:

12 (1) Allegany County;

13 (2) Baltimore County, including motorcycles located on any of the places
14 enumerated in § 19-301 of this [subheading] SUBTITLE, unless authorized;

15 (3) Calvert County;

16 (4) Carroll County, including motorcycles located on any of the places
17 enumerated in § 19-301 of this [subheading] SUBTITLE, unless authorized;

18 (5) Cecil County;

19 (6) Charles County;

20 (7) Dorchester County;

21 (8) Frederick County;

22 (9) Garrett County;

23 (10) Harford County;

24 (11) Howard County;

25 (12) Montgomery County;

26 (13) St. Mary's County; [and]

27 (14) Somerset County; AND

28 (15) WICOMICO COUNTY.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 June 1, 2004.

